REMARKS

Claims 1 through 27 are pending.

Claims 28 through 31 have been canceled.

Claims 1 through 27 have been rejected.

Discussion of the rejection based on 35 U.S.C. § 101

Examiner has rejected claims 1 through 18 under 35 U.S.C. § 101, asserting that claims 1 through 18 are directed to computer software. Applicant respectfully traverses the rejection.

Applicant does not understand why Examiner believes that claims 1 through 18 are directed to computer software. Claims 1 through 18 specifically state that the claimed subject matter is a proprietary information utility *computing machine*. While it is clear that the elements of the claims may be implemented with a combination of the use of software and hardware components, the computing machine cannot be implemented exclusively using software. Applicant notes that computing machines that utilize hardware and software are widely recognized as useful machines within the statutory subject matter covered by 35 U.S.C. § 101.

Examiner has provided no reason why he believes that claims 1 through 18 are directed to computer software rather than to a computing machine as specifically stated in the claims. It is therefore difficult to respond to this assertion by Examiner. Clarification is requested.

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Discussion of the rejection based on 35 U.S.C. § 102

Examiner has rejected claims 1 through 27 under 35 U.S.C. § 102 (b) as being anticipated by USPN 7,082,407 B1 (Bezos). Applicant respectfully traverses the rejection.

Criteria for a rejection under 35 U.S.C. § 102

The criteria for a rejection under 35 U.S.C. § 102 has been clearly defined by the courts and confirmed by the U.S. Patent and Trademark Office. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Each and every element set forth in the claims is not found either expressly or inherently in Bezos. Based on this, Applicant is traversing the rejections of the claims.

Below, Applicant points out subject matter within each independent claim that is not disclosed by Bezos. On the basis of this, Applicant believes all the claims are patentable over Bezos.

Discussion of Independent Claim 1

Claim 1 sets out a proprietary information utility computing system. The proprietary information utility computing system includes a repository that contains proprietary information. The repository is compartmentalized by user identity and entitlement, so that a first category of proprietary information is within private domains available to only a single user and a second category of proprietary information is within domains to which multiple users may be granted use in response to paying a subscription fee to use particular proprietary information within the second category of proprietary information. This is not disclosed or suggested by Bezos.

For example, claim 1 states that "the repository is compartmentalized by user identity and entitlement." This is not disclosed or suggested by Bezos. Examiner has asserted that this limitation is found in column 4 at lines 61 through 67. There, Bezos discloses a database that includes a catalog of several million book, music and video titles, as well as a user database that contains information about users. However, while the user database contains information about user identity, nothing in Bezos discloses or suggests that a repository is compartmentalized by user entitlement as set out in claim 1.

Likewise, claim 1 states that within the repository "a first category of proprietary information is within private domains available to only a single user." This is not disclosed or suggested by Bezos. Examiner has asserted that this limitation is disclosed by "private data" as set out in column 2, line 25 of Bezos. However, at column 2, line 25, Bezos is discussing "communities that are

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private." By definition, "communities" include more than a single user. Therefore, column 2, line 25 is actually a teaching away from the limitation set out in claim 1 where "a first category of proprietary information is within private domains available to only a single user."

Claim 1 also sets out "a second category of proprietary information is within domains to which multiple users may be granted use in response to paying a subscription fee to use particular proprietary information within the second category of proprietary information." The second category of proprietary information is within a repository that "is compartmentalized by user identity and entitlement." This is not disclosed or suggested by Bezos. Examiner has asserted that this limitation is disclosed in column 4, line 55 of Bezos. However, in column 4, line 55, Bezos is describing purchases of cars, videos, computer program and informational content. Nowhere does Bezos disclose or suggest that the purchases are from proprietary information originating from a repository compartmentalized by user identity and entitlement, as set out in claim 1.

Discussion of Independent Claim 19

Claim 19 sets out a method implemented by a computing system. Proprietary information is stored within a repository. The repository is compartmentalized by user identity and entitlement, so that a first category of proprietary information is within private domains available to only a single user and a second category of proprietary information is within domains to

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which multiple users may be granted use in response to paying a subscription fee to use particular proprietary information within the second category of proprietary information. This is not disclosed or suggested by Bezos.

For example, claim 19 states that "the repository is compartmentalized by user identity and entitlement." This is not disclosed or suggested by Bezos. Examiner has asserted that this limitation is found in Figure 5 of Bezos. Figure 5 of Bezos discloses a user database that includes purchase histories of users. However, the user database is not accessible by the user, but is used by the webserver 76. See for example, column 10, lines 43 through 48. In claim 19, the compartmentalization results in "a first category of proprietary information is within private domains available to only a single user." Since the information in the user database is not available to users, it is clearly not part of a repository set out in claim 19.

Likewise, claim 19 states that within the repository "a first category of proprietary information is within private domains available to only a single user." This is not disclosed or suggested by Bezos. Examiner has asserted that this limitation is disclosed by "private data" as set out in column 2, line 25 of Bezos. However, at column 2, line 25, Bezos is discussing "communities that are private." By definition, "communities" include more than a single user. Therefore, column 2, line 25 is actually a teaching away from the limitation set out in claim 19 where "a first category of proprietary information is within private domains available to only a single user."
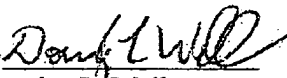
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Claim 19 also sets out "a second category of proprietary information is within domains to which multiple users may be granted use in response to paying a subscription fee to use particular proprietary information within the second category of proprietary information." The second category of proprietary information is within a repository that "is compartmentalized by user identity and entitlement." This is not disclosed or suggested by Bezos. Examiner has asserted that this limitation is disclosed in column 4, line 55 of Bezos. However, in column 4, line 55, Bezos is describing purchases of cars, videos, computer program and informational content. Nowhere does Bezos disclose or suggest that the purchases are from proprietary information originating from a repository compartmentalized by user identity and entitlement, as set out in claim 19.

CONCLUSION

Applicant believes the present case is in condition for allowance and favorable action is respectfully requested.

Respectfully submitted,

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